Michigan Election Reform Alliance.org – Testimony

Statement to the House Committee on Redistricting and Elections
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Regarding HB 5062 Post-Election Audits
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HB 5062 Post-Election Audits

House Bill 5062 would permit the Secretary of State to conduct post-election audits of compliance with election law. The proposed audits would be redundant on the work of city and county boards of canvassers and would not even address the grievous deficiencies in vote counting security posed by currently insecure and entirely non-transparent vote tabulation devices currently in service.

Current law requires boards of canvassers to determine compliance with election law. But there is no enforcement regarding violations what-so-ever, as far as MERA has been able to determine over the last six years. The proposed law would merely obfuscate the situation with an optional, no-consequence SOS audit.

Since the proposed law offers no trigger for when a county's election administration shall be audited and no consequences for non-compliance, it is entirely open to abusive intervention for partisan purposes or deliberately ignoring flagrant election rigging if it serves partisan interests.

What we need is consistent and impartial enforcement of current election laws by police and prosecutors, not cosmetic "audits."

What is urgently needed as well is post-election audits of the vote count that use hand-to-eye counts of paper ballots to actually check the tallies produced by the non-transparent vote tabulators in use.

No voting system is perfect. The optical scan vote counting systems in use now in Michigan have both known error rates[1] and known security vulnerabilities[2] that warrant a serious effort to check the accuracy of the vote count. It is particularly important to compare the reported, election night results with a manual, hand-to-eye count of paper ballots, because this is the only way to make the audit independent of the software the systems use. Post-election audits that conduct hand counts can detect errors that pre-election testing cannot.

MERA has proposed comprehensive legislation for post-election hand count audits of the vote count that would detect scanner errors and assure voters that contests are decided correctly. MERA's legislation, which has been extensively vetted by national experts on election integrity and statistical risk assessment, can be downloaded here: http://www.michiganelectionreformalliance.org/MI_Post-Election_Audit_Bill_081508.pdf

Notes:

1. For example, as reported by now SOS Ruth Johnson,
http://www.michiganelectionreformalliance.org/RuthJohnsonletterES&Sfailures.pdf

2. For example:

Warren Stewart, "Our Election System is Broken. Can the New Congress Fix It?" an introduction to voting systems security. Washington Spectator. 2007

BRENNAN CENTER TASK FORCE ON VOTING SYSTEM SECURITY,
LAWRENCE NORDEN, CHAIR,
The Machinery of Democracy: Protecting Elections in an Electronic World. 2006
http://www.michiganelectionreformalliance.org/Brennan_Center_Report.Machinery_of_Democracy.pdf

Additional accounts of security vulnerabilities and how they have been used to change the outcomes of elections can be found on the MERA Resources page:
http://www.michiganelectionreformalliance.org/resources.html